

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Chapter 7 Estate of Bernard L. Madoff,

Plaintiff,

v.

MERRILL LYNCH INTERNATIONAL,

Defendant.

Adv. Pro. No. 10-05346 (CGM)

STIPULATION AND ORDER TO WAIVE ARGUMENT

Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC, under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–III, and the estate of Bernard L. Madoff, under Chapter 7 of the United States Bankruptcy Code, 11 U.S.C. §§ 701-784, and defendant Merrill Lynch International (“Defendant,” and together with the Trustee, the “Parties”), by and through their respective undersigned counsel, stipulate and agree as follows:

WHEREAS, on December 8, 2010, the Trustee filed the Complaint [ECF No. 1];

WHEREAS, on August 19, 2022, the Trustee filed an Amended Complaint [ECF No. 137];

WHEREAS, on October 19, 2022, Defendant filed its motion to dismiss the Adversary Proceeding [ECF No. 140], with a supporting memorandum of law [ECF No. 141] (the “Motion”); and on December 9, 2022, the Trustee filed an opposition to the Motion (the “Opposition”) [ECF No. 146];

WHEREAS, on January 11, 2023, Defendant filed its reply [ECF No. 149] (the “Reply”);

WHEREAS, on March 3, 2023, Defendant filed its corrected reply [ECF No. 150], (the “Corrected Reply,” and together with the Motion and the Opposition, the “Briefing”)

WHEREAS, pursuant to Defendant’s notice of hearing [ECF No. 144], a hearing to consider the Motion was scheduled to be held on March 15, 2023 at 10:00 a.m. (prevailing Eastern time); and

WHEREAS, the Parties have conferred and agree to rest on their papers and waive oral argument on the Motion.

IT IS HEREBY STIPULATED AND AGREED, by the Parties, and **SO ORDERED**, by the Court:

1. The Court will not hear oral argument on the Motion, and thus the hearing scheduled for 10:00 a.m. on March 15, 2023 to consider the Motion is hereby cancelled and removed from the Court’s calendar.
2. The Parties request that the Court issue its ruling based on the Briefing.
3. The Parties otherwise reserve all rights, arguments, objections, and defenses they may have, and their entry into this Stipulation shall not impair or otherwise affect

any such rights, arguments, objections, and defenses.

Dated: March 8, 2023
New York, New York

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*Attorneys for Defendant
Merrill Lynch International*

**Dated: March 10, 2023
Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris
U.S. Bankruptcy Judge**